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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/020,094	12/13/2001	Thomas E. Coverstone		9964

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EXAMINER

FOX, BRYAN J

ART UNIT	PAPER NUMBER
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2686

DATE MAILED: 08/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/020,094

Applicant(s)

COVERSTONE, THOMAS E.

Examiner

Bryan J Fox

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2686

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The spacing of the lines of the specification is such as to make reading and entry of amendments difficult. New application papers with lines double spaced on good quality paper are required.

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: System and Method for Tracking a Wireless Telecommunication Device.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, the word "database" appears in the last line of the claim. It is not clear how or if this word is intended to limit the rest of the claim and the examiner will assume for this office action that its presence is an error.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Srinivasan et al (US20020022488A1).

Regarding claim 1, Srinivasan et al discloses a wireless network 10 (see paragraph 21 and figure 1), which reads on the claimed "telecommunications network", with wireless communication devices 34 (see paragraph 32 and figure 2), which reads on the claimed "communication device". It is possible to determine the location of the wireless communication device by location information transmitted by a GPS enabled device or by triangulating the location of the wireless device with respect to the Relay stations 40, 42 and 44 (see

paragraph 41) and the system may retain the location of a wireless communication device 34 over a period of time such that, where the wireless communication device is being transported not only would the current location of the device 34 be known, but the direction in which the device 34 is moving may be inferred from the direction in which the device 34 has moved in, for example, the last five minutes (see paragraph 51), which reads on the claimed "tracking system for tracking the communication device". Inferring the direction in which the device is moving from the location data over time as described above reads on the claimed "processing device that processes information received directly or indirectly from the tracking system".

Regarding claim 2, Srinivasan et al discloses a wireless network 10 (see paragraph 21 and figure 1), which reads on the claimed "wireless telecommunications system", with wireless communication devices 34 (see paragraph 32 and figure 2), which reads on the claimed "wireless communication device". It is possible to determine the location of the wireless communication device by location information transmitted by a GPS enable device (see paragraph 41), which reads on the claimed "capable of communicating with an existing position location system". The system may retain the location of a wireless communication device 34 over a period of time such that, where the wireless communication device is being transported not only would the current location of the device 34 be known, but the direction in which the device 34 is moving may be inferred from the direction in which the device 34 has moved in, for example, the last five minutes (see paragraph 51), which reads

on the claimed "system for storing and processing location positions of the wireless communication device", where inferring the direction in which the device is moving from the location data over time as described above reads on the claimed processing.

Regarding claim 3, Srinivasan et al discloses a wireless network 10 (see paragraph 21 and figure 1), which reads on the claimed "wireless telecommunications system", with wireless communication devices 34 (see paragraph 32 and figure 2), which reads on the claimed " wireless communication device". It is possible to determine the location of the wireless communication device by location information transmitted by a GPS enable device (see paragraph 41), which reads on the claimed invention that includes a "location position feature, the wireless communication device being capable of communicating with an existing position location system". The system may retain the location of a wireless communication device 34 over a period of time such that, where the wireless communication device is being transported not only would the current location of the device 34 be known, but the direction in which the device 34 is moving may be inferred from the direction in which the device 34 has moved in, for example, the last five minutes (see paragraph 51), which reads on the claimed "system for storing and processing location positions of the wireless communication device", where inferring the direction in which the device is moving from the location data over time as described above reads on the claimed processing.

Regarding claim 4, Srinivasan et al discloses a wireless network 10 (see paragraph 21 and figure 1), which reads on the claimed “wireless telecommunications system”, with wireless communication devices 34 (see paragraph 32 and figure 2). It is possible to determine the location of the wireless communication device by location information transmitted by a GPS enable device (see paragraph 41), which reads on the claimed “wireless communication device being capable of communicating with an existing position location system”. The system may retain the location of a wireless communication device 34 over a period of time, and the position of the wireless device 34 may be saved each minute (see paragraph 51), which reads on the claimed “memory device for storing position locations of the wireless communication device”. This information may be used to determine the direction that the wireless device is moving (see paragraph 51), which reads on the claimed “processor for processing information from the memory device”.

Regarding claim 5, Srinivasan et al discloses a wireless network 10 (see paragraph 21 and figure 1) with wireless communication devices 34 (see paragraph 32 and figure 2). It is possible to determine the location of the wireless communication device by location information transmitted by a GPS enable device (see paragraph 41), which reads on the claimed “wireless telecommunications system capable of communicating with an existing wireless communication device that is capable of communicating with an existing position location system”. The system may retain the location of a wireless communication device 34 over a period of time, and the position of the wireless

device 34 may be saved each minute (see paragraph 51), which reads on the claimed "memory device for storing location positions of the wireless communication device". This information may be used to determine the direction that the wireless device is moving (see paragraph 51), which reads on the claimed "processing system for processing information from the memory device and relating to the stored location positions of the wireless communication device".

Regarding claim 6, Srinivasan et al discloses a wireless network 10 (see paragraph 21 and figure 1) with wireless communication devices 34 (see paragraph 32 and figure 2). It is possible to determine the location of the wireless communication device by location information transmitted by a GPS enable device (see paragraph 41), which reads on the claimed "system that is used with an existing wireless communication device that is capable of communicating with an existing position location system". The system may retain the location of a wireless communication device 34 over a period of time, and the position of the wireless device 34 may be saved each minute (see paragraph 51), which reads on the claimed "memory device for storing position locations of the wireless communication device". This information may be used to determine the direction that the wireless device is moving (see paragraph 51), which reads on the claimed "processor for processing information from the memory device".

Regarding claim 7, Srinivasan et al discloses a wireless network 10 (see paragraph 21 and figure 1) with wireless communication devices 34 (see

paragraph 32 and figure 2). It is possible to determine the location of the wireless communication device by location information transmitted by a GPS enable device (see paragraph 41), which reads on the claimed "system that is used with at least one wireless communication device that is capable of communicating with a position location system". The system may retain the location of a wireless communication device 34 over a period of time, and the position of the wireless device 34 may be saved each minute (see paragraph 51), which reads on the claimed "memory device for storing position locations of the wireless communication device". This information may be used to determine the direction that the wireless device is moving (see paragraph 51), which reads on the claimed "processor for determining trends from the position locations stored in the memory device".

Regarding claim 8, Srinivasan et al discloses a wireless network 10 (see paragraph 21 and figure 1) with wireless communication devices 34 (see paragraph 32 and figure 2). It is possible to determine the location of the wireless communication device by location information transmitted by a GPS enable device (see paragraph 41), which reads on the claimed "system that is used with a wireless communication device that is capable of communicating with a position location system". In this system, historical data may be gathered and used to assist in creating inferences. For example, when a particular information set is provided to a user via a wireless communication device 34, that user may be requested to make a selection from the listed information. Thus, there, for example, restaurant selections are provided to a particular wireless

communication device 34 repeatedly and user selections are saved, the present invention may draw inferences from those selections (see paragraph 52). The restaurant selections above read on the claimed “transactions” and saving them reads on the claimed “memory device for storing transactions made relating to the wireless communication device”. The inferences made, for example when a user repeatedly selects restaurants offering French and Chinese food, the present invention may learn that those food types are preferred (see paragraph 52), reads on the claimed “processor for determining trends from the transactions stored in the memory device”.

Regarding claim 9, Srinivasan et al discloses a wireless network 10 (see paragraph 21 and figure 1) with wireless communication devices 34 (see paragraph 32 and figure 2). It is possible to determine the location of the wireless communication device by location information transmitted by a GPS enable device (see paragraph 41), which reads on the claimed “system that is used with a wireless communication device and a position location system, the wireless communication device being capable of communicating with the position location system”. The system may retain the location of a wireless communication device 34 over a period of time, and the position of the wireless device 34 may be saved each minute (see paragraph 51), which reads on the claimed “memory device for storing position locations of the wireless communication device”. In this system, historical data may be gathered and used to assist in creating inferences. For example, when a particular information set is provided to a user via a wireless communication device 34, that user may

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be requested to make a selection from the listed information. Thus, there, for example, restaurant selections are provided to a particular wireless communication device 34 repeatedly and user selections are saved, the present invention may draw inferences from those selections (see paragraph 52). The restaurant selections above read on the claimed "transactions", and saving them reads on the claimed memory device "for storing transactions made relating to the wireless communication device". The inferences made, for example when a user repeatedly selects restaurants offering French and Chinese food, the present invention may learn that those food types are preferred (see paragraph 52), reads on the claimed "processor for determining trends by recalling stored information from the memory device and processing the recalled information".

Regarding claim 10, Srinivasan et al discloses a wireless network 10 (see paragraph 21 and figure 1) with wireless communication devices 34 (see paragraph 32 and figure 2). It is possible to determine the location of the wireless communication device by location information transmitted by a GPS enable device (see paragraph 41), which reads on the claimed "wireless communication system that is used with a wireless communication device and a position location system, the wireless communication device being capable of communicating with the position location system". The system may retain the location of a wireless communication device 34 over a period of time, and the position of the wireless device 34 may be saved each minute (see paragraph 51), which reads on the claimed "memory device for storing position locations of the wireless communication device". In this system, historical data may be gathered

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and used to assist in creating inferences. For example, when a particular information set is provided to a user via a wireless communication device 34, that user may be requested to make a selection from the listed information. Thus, there, for example, restaurant selections are provided to a particular wireless communication device 34 repeatedly and user selections are saved, the present invention may draw inferences from those selections (see paragraph 52). The restaurant selections above read on the claimed "transactions", and saving them reads on the claimed memory device "for storing transactions made relating to the wireless communication device". The inferences made, for example when a user repeatedly selects restaurants offering French and Chinese food, the present invention may learn that those food types are preferred (see paragraph 52), reads on the claimed "processor for determining trends by recalling stored information from the memory device and processing the recalled information". Further, if the invention recognizes that the wireless communication device 34 is approaching a mall, the invention may transmit a list of establishments operating in that mall to the wireless communication device 34 (see paragraph 46), which reads on the claimed "transmitter for transmitting targeted broadcasts to the wireless communication device based on the current location of the communication device".

Regarding claim 11, Srinivasan et al discloses a wireless network 10 (see paragraph 21 and figure 1) with wireless communication devices 34 (see paragraph 32 and figure 2). It is possible to determine the location of the wireless communication device by location information transmitted by a GPS

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enable device (see paragraph 41), which reads on the claimed “wireless communication system that is used with a wireless communication device and a position location system, the wireless communication device being capable of communicating with the position location system”. The system may retain the location of a wireless communication device 34 over a period of time, and the position of the wireless device 34 may be saved each minute (see paragraph 51), which reads on the claimed “memory device for storing position locations of the wireless communication device”. In this system, historical data may be gathered and used to assist in creating inferences. For example, when a particular information set is provided to a user via a wireless communication device 34, that user may be requested to make a selection from the listed information. Thus, there, for example, restaurant selections are provided to a particular wireless communication device 34 repeatedly and user selections are saved, the present invention may draw inferences from those selections (see paragraph 52). The restaurant selections above read on the claimed “transactions”, and saving them reads on the claimed memory device “for storing transactions made relating to the wireless communication device”. The inferences made, for example when a user repeatedly selects restaurants offering French and Chinese food, the present invention may learn that those food types are preferred (see paragraph 52), reads on the claimed “processor for determining trends by recalling stored information from the memory device and processing the recalled information”. Further, the device may provide, for example, restaurant listings for all restaurants lying within one-quarter of a mile of the wireless communication

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device's current location and restaurants offering Chinese and French food within a mile of the location of the wireless communication device, which reads on the claimed "transmitter for transmitting targeted broadcasts to the wireless communication device based on the trends of the communication device".

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Wohl (US006472976B1) discloses a monitoring location and tracking system.

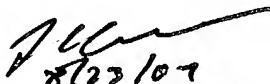
Durst et al (US006172640B1) discloses a pet locator.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryan J Fox whose telephone number is (703) 305-8994. The examiner can normally be reached on Monday through Friday 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (703) 305-4379. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BJF


8/23/07
LESTER G. KINCAID
PRIMARY EXAMINER